REMARKS

Status of Claims

The Office Action mailed May 17, 2005 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 1-15 and 18-39 were pending in the application. None of the pending claims have been cancelled or amended and no new claims have been added. Therefore, claims 1-15 and 18-39 are pending in the application and are submitted for reconsideration.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

Prior Art Rejections

In the Office Action, claims 1-15 and 18-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 5,778,395 to Whiting et al. (hereafter "Whiting") in view of U.S. patent 5,485,606 to Midgdey et al. (hereafter "Midgdey"). Applicants respectfully traverse this rejection for at least the following reasons.

Each of the independent claims 1, 14, 15, 18, 21, 23, 29, 31, 37, and 39 recite, *inter alia*, a process (or corresponding system/software) that (1) uses the scanning step of a backup operation on files to substantially simultaneously derive a set of word data indexes, (2) whereby the *word data indexes* provide a direct access to the files based on the *word data content* of the files. These recited features are <u>not</u> disclosed or suggested by the applied prior art.

Specifically, with respect to the Whiting reference, applicants note that the prior Office Action has acknowledged that Whiting does not disclose the creation of word (or semantic) data indexes as a part of the backup process. As noted earlier, the only indexing disclosed in Whiting is directed to properly performing the backup process in order to keep track of the files for the backup system. See col. 17, line 5 to col. 18, line 35 of Whiting. As noted in the Abstract, Whiting states that all its enhancement *significantly reduce both the amount of storage and the amount of network bandwidth for performing the backup*. See lines 14-16 of the Abstract of Whiting. Therefore, Whiting teaches indexing during a backup

process for improving the efficiency of the backup process itself and does <u>not</u> teach the claimed using of the scanning step of a backup to substantially simultaneously derive a set of word data indexes which allow direct access (by a key word based search request) to the files based on the word data content of the files.

The office action dated May 17, 2005, incorrectly asserts that Whiting discloses "using the scanning operation to derive a set of word data indexes for subsequent use in obtaining direct access to said files," and cites to col. 4, lines 25-32, col. 5, line 45-46, and col. 14, line 48-51 of Whiting. However, none of these cited portions of Whiting disclose or suggest <u>using the scanning operation to derive a set of</u> *word data indexes* <u>for direct access to the files</u> *based on the word data content of the files*.

Specifically, *col. 4, lines 25-32* of Whiting discloses that access to backup data can be insured by assigning standard network security access rights to each user's directory and that each user can access his own applications from the backup directory. *Col. 5, lines 45-46* of Whiting states that a user "may access the files directly using his own applications, without first having to copy them to a separate restore program." *Col. 14, lines 48-51* of Whiting discloses that pointers may be used to access compressed and encrypted data blocks (corresponding to particular files) as shown with respect to figure 6 of Whiting. Clearly these cited portions of Whiting have no bearing on the claimed derivation of a set of word data indexes for direct access to the files based on the word data content of the files. Accordingly, at least this recited feature in the pending independent claims is not disclosed or suggested by Whiting.

Neither is this deficiency in Whiting cured by Midgdey. Specifically, the office action cites to the Summary and col. 5, lines 46-67 of Midgdey for allegedly disclosing <u>using the scanning operation to derive a set of</u> *word data indexes* <u>for direct access to the files</u> *based on the word data content of the files*. However, this portion only discloses that the back up process creates a directory file with an operating system specific field area 49 which includes data that is processed uniquely by a particular operating system (and would be ignored by other operating systems). For example, control words used to *control access* (for example, based on permissions or ownership) to data would be stored in this section (since controlling access is typically performed by an operating system for example through a file system).

These control words have nothing to do with word data indexes <u>for direct access to the files</u> <u>*based on the word data content of the files*</u> (as opposed to ownership or permission based access restrictions on the file).

Accordingly, neither Whiting nor Midgdey, and nor their reasonable combination, discloses or suggests features recited in the pending independent claims. Therefore, the pending independent claims are patentable over the applied prior art.

The dependent claims are also patentable for at least the same reasons as the respective independent claims on which they ultimately depend. In addition, they recite additional patentable subject matter when considered as a <u>whole</u>.
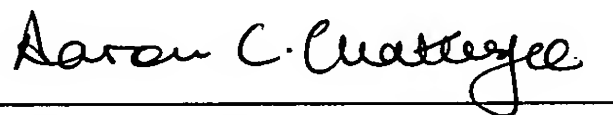
Conclusion

In view of the above amendments and remarks, applicants believe that the application is now in condition for allowance. An indication of the same is respectfully requested. If there are any questions regarding the application, or if an examiner's amendment would facilitate the allowance of one or more of the claims, the examiner is invited to contact the undersigned attorney at the local telephone number below.

Respectfully submitted,

<u>August 17, 2005</u>
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